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Hialeah mayor faces “Truth in Government” violation

The Miami-Dade Commission on Ethics and Public Trust (COE) today found Probable Cause to a complaint (**C 14-36**) accusing Hialeah Mayor Carlos Hernandez of making false statements to the public about income he earned from a private loan. In one of the first cases prosecuted by the Ethics Commission since it was given punitive powers to enforce the Citizen’s Bill of Rights in 2012, investigators compared statements Hernandez made at press conferences in both English and Spanish in October 2011 with testimony he gave during the federal tax evasion trial of former Mayor Julio Robaina last year. At the press briefings, then-Interim Mayor Hernandez disputed reports that he failed to report tens of thousands of dollars in interest on his Source of Income Statements for 2007, 2008, and 2009 when he was a Hialeah Councilman. Instead, he stated that he invested money with convicted Ponzi schemer Luis Felipe Perez, but didn’t recover his investments and had no earnings. However, under oath during the Robaina trial on April 14, 2014, Mayor Hernandez testified that he did receive monthly interest payments totaling approximately \$100,000 over the three years, contradicting his public statements. The false account violates the portion of the County Charter entitled Truth in Government which states, in part, “No County or municipal official... shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.” The case will proceed to a public hearing before the Ethics Commission.

The COE today approved a settlement to a complaint (**C 14-53**) against the Mayor of Bay Harbor Islands for violating a provision that prohibits officials from being compensated by a third party seeking a benefit from the official’s government. Mayor Robert Yaffe served as attorney for 9300 Condominium Association in a real estate transaction involving the transfer of property from the town. According to the Miami-Dade Conflict of Interest and Code of Ethics Ordinance, a municipal official should not be involved in any transaction with his or her city that benefits a private client. Mayor Yaffe agreed not to contest the allegation, pay investigative costs and accept a Letter of Instruction from the Ethics Commission.

A complaint (**C 14-54**) filed against Miami-Dade County Mayor Carlos Gimenez, the Board of County Commissioners and Hialeah Mayor Carlos Hernandez for refusing to adapt a finance system was dismissed as Not Legally Sufficient. Friedrich Siegel represents ELPAS-USA Foundation, which he claims is an innovative monetary, financial, economic and governance system that can solve important social problems such as poverty, unemployment and crime. Since the officials are under no duty to implement the system the complainant invented, the complaint was dismissed.

The Ethics Commission found No Probable Cause to a complaint (**C 14-38**) against former State Rep. Eddy Gonzalez for violating the Mandatory Fair Campaign Practices Ordinance when he ran for Property Appraiser that was filed by the candidate who won the election last fall. Pedro Garcia alleged that the Gonzalez campaign lied in political ads which stated that, in his first term as Property Appraiser, Garcia paid a \$400,000 salary to a no-show employee. The investigation found the ads were misleading, but did not expose Garcia to hatred, contempt or ridicule or injure him in

his business or occupation, as required for there to be a violation of the ordinance. The COE will, however, issue a Letter of Instruction to Gonzalez, advising him to avoid similar misleading political advertising if he should run for office again.

The COE found No Probable Cause that two supervisors in Miami-Dade's Public Works and Waste Management Department retaliated against an employee. Sanitation truck driver Rolando Valdes had reported to the Office of the Inspector General that many waste trucks were operating at capacities over a safe weight load. Valdes filed a complaint (C 14-52) alleging that his performance evaluation and merit increase were withheld due to his "whistle blower" status. However, an investigation found that an earlier leave of absence caused Valdes' rating period to change. Once the situation was brought to the attention of his supervisors, Valdes immediately received his evaluation and recommendation for a merit raise.

In other action today, Executive Director Joseph Centorino announced the Keynote Speaker at an evening reception that will kick off the "Ethics in Education" conference scheduled for May 1 and 2, 2015. It will be Principal Baruti Kafele, a highly-regarded education consultant, author and motivational speaker who transformed low-performing public middle and high schools over two decades in New Jersey. He will speak during the evening of Friday, May 1 at the University of Miami to kick off the conference touching on some of the most controversial topics in education today.

Mr. Centorino also presented the implementing order to establish an Honor Code for Miami-Dade County employees and politicians. The proposed Honor Code, which was approved by the Ethics Commission last year, requires county staff and elected officials – among other things -- to protect the public interest above any personal or institutional interest and loyalty and report gross ethical misconduct within the government. The Honor Code and Implementing Order will be submitted to the Board of County Commissioners for approval.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

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